

**REMARKS/ARGUMENTS**

All pending claims were rejected as being anticipated or obvious over U.S. Patent No. 4,573,996, to Weikl et al., optionally in combination with U.S. Patent No. 5,195,978, to Schiffer and further optionally in combination with common knowledge that stents and other prostheses can be mounted on balloons. Such rejections are respectfully traversed for the following reasons.

Applicants believe that the Examiner has mischaracterized the teachings of the '966 patent to Weikl et al. The Examiner asserts that Weikl discloses an *"axial slit (within raised portion 17) and first balloon structure comprising balloon 5 and a passage (within slider 14) and inflation tube receivable in the axial slit (col. 4, lines 38-54). Inflation tube 16 is inherently removable from the axial slit since the slit is open at the top as seen in Figure 4."*

Applicants disagree that the Weikl '966 patent ever describes or suggests an axial slit in the raised portion 17 of the treatment catheter 1. The patent does describe *"a channel 16 which is accommodated in an elongated raised portion 17 of the treatment catheter . . . "* The channel 16 receives the wire 15 in order to remove the slider 14 *"to and fro."* Nowhere, however, is it ever suggested that channel 16 be slit in order to allow lateral insertion or removal of the wire 15. Indeed, as it is taught at col. 4, lines 51-53 that channel 16 can be used to introduce inflation medium, any attempt to slit the channel would be contraindicated.

Perhaps the Examiner in viewing Fig. 4 was observing opening 19 which appears to be formed over the raised portion 17. The opening 19, however, is the nozzle which actually allows inflation of the balloon 5. See, col. 4, lines 61-63.

For these reasons, Applicants believe that the rejection of independent claim 1 was in error and request that it be withdrawn. As all other pending claims are dependent on claim 1, and none of the other art or rejection provides any teaching or motivation of modifying

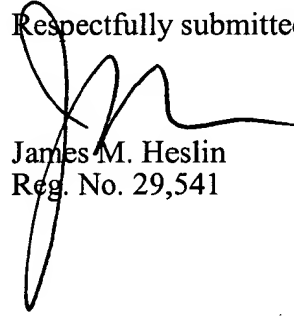
Appl. No. 09/872,640  
Amdt. dated June 1, 2006  
Reply to Office Action of March 1, 2006

PATENT

raised portion 17 to have an axial slit, Applicants believe that all pending claims are now in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
Attachments  
JMH:jke  
60785309 v1